



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

February 20, 2006  
Date

*Michael C. Barrett*  
Michael C. Barrett

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Justin L. Fort  
Charles P. Fort

Serial No.: 10/827,104

Filing Date: April 19, 2004

For: TECHNIQUES FOR SURFACE  
EXPLORATION AND MONITORING

Group Art Unit: 2858

Examiner: Unknown

Atty. Dkt. No.: FOCH:002US

**RENEWED PETITION UNDER 37 C.F.R. 1.137(B)**

**Mail Stop: Petitions**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

On November 28, 2005, Applicants mailed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) in the above-referenced application (the "First Petition"). The First Petition was received by the Patent Office on November 30, 2005. On January 3, 2006, the Office of Petitions mailed a Decision on Petition dismissing the First Petition due to Applicants' inadvertent failure to pay the proper additional claims fees. Applicants complied with all other requirements for revival of the above-referenced application, including a statement that the entire delay was unintentional, a statement that no

Adjustment date: 02/28/2006 TBESHAN1  
10/12/2004 GWORDOF1 00000011 10827104  
01 FC:1999 -29.00 OP

BEST AVAILABLE COPY

02/28/2006 TBESHAN1 00000036 10827104 75.00 OP  
01 FC:2202

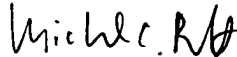
terminal disclaimer was required since the application was filed after June 8, 1995, and payment of the \$750.00 petition fee. For the convenience of the Office, Applicants submit herewith a copy of the First Petition which is attached as **TAB A**.

Pursuant to the statements of the Decision on Petition, Applicants submit this Renewed Petition Under 37 C.F.R. 1.137(b) filed February 20, 2006 (the "Renewed Petition"). Together with this Renewed Petition, Applicants submit a proper reply in the form of a Transmittal Letter addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, and a check in the amount of \$46.00 to cover the fee for three (3) independent claims in excess of three.

Applicants believe that they have now met all the requirements for revival of the above-referenced application, and such favorable action is respectfully requested.

It is believed that no other fees are due; however, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason whatsoever, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Deposit Account No.: 50-1212/FOCH:002US/MCB.

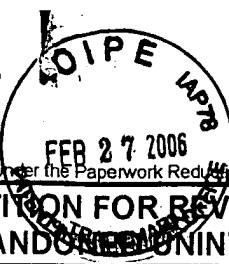
Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: 512/536-3018  
Facsimile: 512/536-4598

Date: February 20, 2006



DPW/DAC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
FOCH:002US

First named inventor: Justin L. Fort

Application No.: 10/827,104

Art Unit: 2858

Filed: April 19, 2004

Examiner: Unknown

Title: TECHNIQUES FOR SURFACE EXPLORATION AND MONITORING

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee:**

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Response to Incomplete Reply & Inventors' Decl. (identify type of reply):

☒ has been filed previously on 9/26/05 & 9/28/04, respectively.  
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Michael C. Barrett

Signature

November 28, 2005

Date

Michael C. Barrett

Typed or printed name

44,523

Registration Number, if applicable

FULBRIGHT & JAWORSKI, LLP

Address

512/536-3018

Telephone Number

600 Congress Ave., Ste. 2400, Austin, TX 78701

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Postcard; copy of Resp. to Incomplete Reply w/enclosures & Inventor Decl.

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

November 28, 2005

Date

Michael C. Barrett

Signature

Michael C. Barrett

Typed or printed name of person signing certificate



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 26

Application Number	10/827,104
Filing Date	April 19, 2004
First Named Inventor	Justin L. Fort
Art Unit	2858
Examiner Name	Unknown
Attorney Docket Number	FOCH:002US

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) (Figs. __ - __ on __ sheets) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Check (\$46.00) Postcard
<b>Remarks</b> If the check is missing, or if any additional fees are required under 37 CFR 1.16 to 1.21 for any reason related to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski, Deposit Account No. 50-1212/FOCH:002US/MCB. Enclosed Materials Include: 1. Renewed Petition Under 37 C.F.R. 1.137(B), including courtesy copy of First Petition (see TAB A) (25 pgs.) 2. PTO Transmittal (1 pg.); Check (\$46.00)		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski L.L.P. (Customer No. 32425)		
Signature	<i>Michael C. Barrett</i>		
Printed name	Michael C. Barrett		
Date	February 20, 2006	Reg. No.	44,523

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Michael C. Barrett</i>		
Typed or printed name	Michael C. Barrett	Date	February 20, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

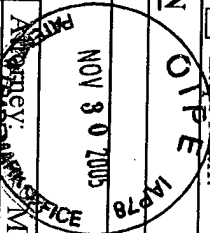
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

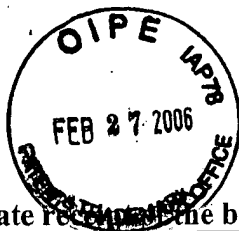
**Please indicate receipt of the below-identified paper:**

<input type="checkbox"/> New Application For:		Priority Date:	
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	Sheets
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Petition to Revive Unintentional; Check (\$750); courtesy copy of Response to Incomplete Reply w/Preliminary Amendment; Small Entity Dec. & Reg. for EOT as-filed 9/26/05; courtesy copy of Inventors' Decl as-filed 9/28/04; Postcard			
<input type="checkbox"/> Assignment Enclosed	<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail:	

**IDENTIFICATION OF APPLICATION**

Serial No.:	10/827,104	NOV 30 2005
Title:	TECHNIQUES FOR SURFACE EXPLORATION AND MONITORING	
Applicant:	Justin Fort; Charles Fort	
Client:	Fort	
Mailed:	11/28/2005	Filed:
		Due Date:



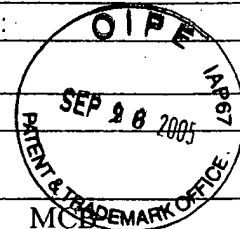


Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:		Priority Date:	
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	Sheets
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Response to Incomplete Reply; Preliminary Amendment; Small Entity; Request for Extension of Time; copy of Notice; transmittal letter; check for \$225.00; postcard			
<input type="checkbox"/> Assignment Enclosed		<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail:

**IDENTIFICATION OF APPLICATION**

Serial No.: 10/827,104	
Title: TECHNIQUES FOR SURFACE EXPLORATION AND MONITORING	
Applicant: Justin L. Fort, Charles P. Fort	Attorney: MCS
Client: FOCH	F&J File No.: FOCH:002US
Mailed: September 23, 2005	Filed: Due Date:



# TRANSMITTAL FORM

Application Number: 10/827,104  
 Filing Date: April 19, 2004  
 First Named Inventor: Justin L. Fort  
 Art Unit: 2858  
 Examiner Name: Unknown  
 Attorney Docket Number: FOCH:002US

Total Number of Pages in this Submission : \_\_\_\_\_

## ENCLOSURES (check all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> References _____<br><input type="checkbox"/> Certified Copy of Priority Documents<br><input checked="" type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input checked="" type="checkbox"/> Reply to Missing<br>Parts/Requirements<br><input type="checkbox"/> Declaration(s) _____<br><input checked="" type="checkbox"/> Copy of Notice of Missing<br>Parts/Requirements | <input type="checkbox"/> Drawings(s) _____<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional<br>Application<br><input type="checkbox"/> Power of Attorney, Revocation,<br>Change of Correspondence<br>Address<br><input type="checkbox"/> Statement under 37 CFR §3.73(b)<br><input type="checkbox"/> Designation of Patent Practitioners<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of<br>Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)<br><input checked="" type="checkbox"/> Check in the amount of \$225.00<br><input checked="" type="checkbox"/> Authorized to be charged to deposit account<br>if check insufficient or inadvertently omitted<br>Deposit account number: 50-1212/FOCH:002US<br><input type="checkbox"/> Sequence Statement<br><input type="checkbox"/> Paper Copy of Sequence Listing<br><input type="checkbox"/> Computer Readable Form (CRF)<br><input checked="" type="checkbox"/> Postcard<br><input checked="" type="checkbox"/> Small Entity Declaration<br><input type="checkbox"/> _____ |
|--|--|---|

Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski, L.L.P.	Customer Number	32425
Signature	<i>Michael C. Barrett</i>		
Printed Name	Michael C. Barrett	Reg. No.	44,523
Date	September 23, 2005		

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Michael C. Barrett</i>		
Typed or Printed Name	Michael C. Barrett	Date	September 23, 2005



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Justin L. Fort

Charles P. Fort

Serial No.: 10/827,104

Filed: April 19, 2004

For: TECHNIQUES FOR SURFACE  
EXPLORATION AND MONITORING

Group Art Unit: 2858

Examiner: Unknown

Atty. Dkt. No.: FOCH:002US

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 23, 2005

Date

*Michael C. Barrett*  
Michael C. Barrett

**RESPONSE TO NOTICE OF INCOMPLETE REPLY**

**MS MISSING PARTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Incomplete Reply dated May 23, 2005, enclosed are:

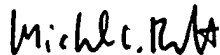
- (a) Preliminary Amendment;
- (b) Small Entity Declaration;
- (c) Our check in the amount of \$225.00 to cover the two month extension of time fee (\$225.00);
- (d) A copy of Notice of Incomplete Reply; and

- (e) A Request for Extension of Time of two months to and including September 23, 2005. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/FOCH:002US .

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: September 23, 2005

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Justin L. Fort

Charles P. Fort

Serial No.: 10/827,104

Filed: April 19, 2004

For: TECHNIQUES FOR SURFACE  
EXPLORATION AND MONITORING

Group Art Unit: 2858

Examiner: Unknown

Atty. Dkt. No.: FOCH:002US

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 23, 2005

Date

*Michael C. Barrett*  
Michael C. Barrett

**PRELIMINARY AMENDMENT**

**MS MISSING PARTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully submits this Preliminary Amendment in the above-referenced case. Consideration of this case in view of these amendments is respectfully requested.

**Amendments to the Claims** begin on page 2.

**Remarks** begin on page 6.

### **Amendments to the Claims:**

The listing of claims will replace all prior versions, and listings of claims in the application.

1. (Original) A system for measuring a property of a surface, the system comprising:  
a plurality of survey probes; and  
a survey controller configured to program the same survey probes for seismic or electrical measurements of the surface.
2. (Original) A system for measuring a property of a surface, the system comprising:  
a plurality of survey probes, each having a unique identifier; and  
a survey controller configured to automatically poll the survey probes to obtain each identifier and determine a relative order the probes.
3. (Original) The system of claim 2, each survey probe configured to:  
disconnect a downstream neighbor survey probe and enter an idle state;  
report its unique identifier to the survey controller if in the idle state and in response to a polling command from the survey controller; and  
change to a state other than the idle state after reporting its unique identifier.
4. (Original) The system of claim 2, the survey controller configured to assign and transmit a different, unique identifier to each survey probe.
5. (Canceled)
6. (Original) The system of claim 2, the survey controller and survey probes being connected by a first number of conductors, the survey probes being configured to perform a second number of simultaneous measurements of the surface, and the second number not being limited by the first number.

7. (Original) The system of claim 2, the survey controller being remotely accessible through a computer network for remote control of the survey controller and the survey probes.

8. (Original) The system of claim 2, the survey probes being connected to the survey controller through three conductors, two conductors supplying power and a third conductor acting as a communications bus.

9. (Original) A system for measuring a property of a surface, the system comprising:  
a survey controller; and  
a plurality of survey probes configured to:

- (a) collect signals associated with the surface;
- (b) digitize the signals to form digital data; and
- (c) store the digital data for later transmission to the survey controller.

10-12. (Canceled)

13. (Original) The system of claim 9, the survey controller sending data to individually program survey probes to generate a stimulus simultaneously or according to another programmed timing scheme.

14. (Canceled)

15. (Original) The system of claim 9, the survey controller sending data to individually program survey probes to form digital data and store the digital data according to a programmed timing scheme.

16-26. (Canceled)

27. (Original) A system for measuring a property of a surface, the system comprising:  
a survey controller; and  
a plurality of survey probes whose position relative to one another is automatically determined.
28. (Original) The system of claim 27, further comprising a transmitting beacon and where the position is determined using a signal from the transmitting beacon.
29. (Original) The system of claim 27, further comprising a radio frequency identification (RFID) system coupled to the probes and a Global Positioning System (GPS), the position being determined by combining identification information from the RFID system with positional location from the GPS.
30. (Original) The system of claim 27, the survey probes being in motion.
31. (Original) A system for measuring a property of a surface, the system comprising:  
a plurality of survey probes; and  
a survey controller configured to supply power to the survey probes using a power conduit;  
where the survey probes automatically electrically disconnect from the power conduit while measuring the property and operate using an internal source of power when disconnected to reduce noise.
32. (Original) A system for measuring a property of a surface, the system comprising:  
a plurality of survey probes; and  
a survey controller that is remotely accessible through a computer network for remote control of the survey probes, the remote control comprising:  
(a) remote initiation of a measurement of the property of the surface;  
and  
(b) remote collection of data from a measurement of the property of the surface.

33. (Original) The system of claim 32, the remote control further comprising remote processing of data from a measurement of the property of the surface.

34. (Original) The system of claim 32, the remote control further comprising remote diagnostic testing of survey probes.

35-46. (Canceled)

## REMARKS

The claims have been amended without prejudice or disclaimer to manage claims fees. Claims 5, 10-12, 14, 16-26, and 35-46 have been canceled. Claims 1-4, 6-9, 13, 15, and 27-34 will be pending upon entry of this Preliminary Amendment. Applicant retains the right pursue the subject matter as originally claimed in this or future applications.

The filing fee has been calculated after amendment of the claims by the Preliminary Amendment.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/FOCH:002US .

The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: September 23, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Justin L. Fort  
Charles P. Fort

Group Art Unit: 2858

Examiner: Unknown

Serial No.: 10/827,104

Atty. Dkt. No.: FOCH:002US

Filed: April 19, 2004

For: TECHNIQUES FOR SURFACE  
EXPLORATION AND MONITORING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR §§ 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization  
☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME:

Justin Fort

ADDRESS:

12113 Metric Blvd. #835 Austin Tx 78758

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: \_\_\_\_\_

Name of Inventor: Justin L. Fort

Date: \_\_\_\_\_

7-27-05

Signature: \_\_\_\_\_

Name of Inventor: Charles P. Fort

Date: \_\_\_\_\_

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Justin L. Fort

Charles P. Fort

Group Art Unit: 2858

Examiner: Unknown

Serial No.: 10/827,104

Atty. Dkt. No.: FOCH:002US

Filed: April 19, 2004

For: TECHNIQUES FOR SURFACE  
EXPLORATION AND MONITORING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR §§ 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization  
☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME:

ADDRESS:

☒ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Charles Parks Fort  
16721 Marsala Springs Dr  
Round Rock, TEXAS 78681

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: \_\_\_\_\_

Name of Inventor: Justin L. Fort

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Inventor: Charles P. Fort

Date: 7/7/05

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Justin L. Fort

Charles P. Fort

Serial No.: 10/827,104

Filed: April 19, 2004

For: TECHNIQUES FOR SURFACE  
EXPLORATION AND MONITORING

Group Art Unit: 2858

Examiner: Unknown

Atty. Dkt. No.: FOCH:002US

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 23, 2005

Date

*Michael C. Barrett*

Michael C. Barrett

**REQUEST FOR EXTENSION OF TIME TO RESPOND TO  
NOTICE TO FILE MISSING PARTS DATED MAY 23, 2005**

**MS MISSING PARTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of two months to and including September 23, 2005 in which to respond to the Notice to File Missing Parts dated May 23, 2005.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$225.00 is enclosed, which includes the process fee (\$225.00) for a two month extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/FOCH:002US .

Respectfully submitted,

*Michael C. Barrett*

Michael C. Barrett

Reg. No. 44,523

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: September 23, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/827,104	04/19/2004	Justin L. Fort	FOCH:002US / 10404324

CONFIRMATION NO. 1477

## FORMALITIES LETTER



\*OC000000014170843\*

Michael C. Barrett, Esq.  
 FULBRIGHT & JAWORSKI, L.L.P.  
 Suite 2400  
 600 Congress Avenue  
 Austin, TX 78701

Date Mailed: 05/23/2005

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 09/28/2004 to the Notice to File Missing Parts (Notice) mailed 06/28/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$996 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$996 for a Large Entity

- Total additional claim fee(s) for this application is \$996
  - \$528 for 8 independent claims over 3.
  - \$468 for 26 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450

Alexandria VA 22313-1450

---

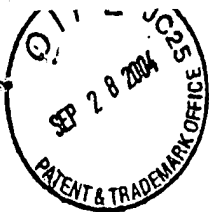
*A copy of this notice MUST be returned with the reply.*

---

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





BEST AVAILABLE COPY

PATENT  
FOCH:002US

### DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TECHNIQUES FOR SURFACE EXPLORATION AND MONITORING**, the Specification of which:



is attached hereto.



was filed on **April 19, 2004** as Application Serial No. **10/827,104**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/463,499	USA	April 18, 2003	YES
(Number)	(Country)	(Date Filed)	Yes/No
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to

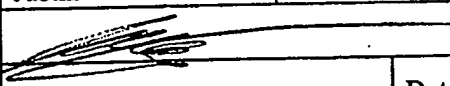
disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE.

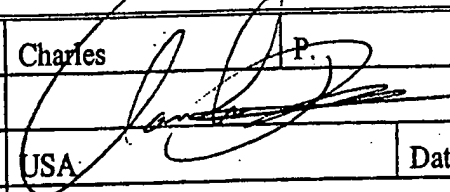
(Application Serial No.)	(Filing Date)	(Status)

(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Michael C. Barrett, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Justin	L.	Fort
Inventor's Signature:			
Country of Citizenship:	USA	Date:	8-31-04
Residence Address: (street, number, city, state, and/or country)	16721 Marsala Springs Drive Round Rock, TX 78681		
Post Office Address: (if different from above)			

Inventor's Full Name:	Charles	A.P.	Fort
Inventor's Signature:			
Country of Citizenship:	USA	Date:	AUG 31, 04
Residence Address: (street, number, city, state, and/or country)	16721 Marsala Springs Drive Round Rock, TX 78681		
Post Office Address: (if different from above)			

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**